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EX 1116  
EXPEDITED PROCEDURE  
GROUP 1616  
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q67010

Kazuya TAKENOUCHI, et al.

Appln. No.: 10/035,217

Group Art Unit: 1616

Confirmation No.: 4555

Examiner: Sabiha Naim Qazi

Filed: January 04, 2002

For: VITAMIN D3 DERIVATIVE AND TREATING AGENT FOR INFLAMMATORY  
RESPIRATORY DISEASE USING SAME

**RESPONSE UNDER 37 C.F.R. § 1.116**

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 1, 2003, please consider the following  
remarks.

**REMARKS**

Claims 46-54 are all the claims pending in the application.

Claims 46-54 are rejected under the judicially created doctrine of obviousness double  
patenting as allegedly being unpatentable over claims 13-20 of U.S. Patent No. 6,531,460  
(Application No. 089/830,167) and U.S. Patent No. 6,548,489 (Application No. 10/035,219).

The Examiner states that although the claims are not identical, they are not considered to  
be patentably distinct since the method claims were joined with the compound claims.